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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

In re K.B., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

K.B.,

Defendant and Appellant.

A127280

(Contra Costa County
Super. Ct. No. J0901535)

K.B. appeals following his no contest plea to robbery and felony grand theft. Counsel has briefed no issues and asks that we review the record of the proceedings. (*People v. Wende* (1979) 25 Cal.3d 436.) K.B. has not filed a supplemental brief. We have reviewed the record and affirm.

DISCUSSION

A petition filed pursuant to Welfare and Institutions Code section 602 alleged that 14-year-old K.B. committed two counts of second degree robbery with a firearm.¹ On the prosecutor's motion, the juvenile court dismissed the firearm enhancement on one robbery count, dismissed another robbery count in its entirety, and added a third count of

¹ K.B. had two prior referrals to the probation department for allegedly resisting arrest and residential burglary/attempted residential burglary. The current case is his first sustained offense.

felony grand theft. Based on K.B.'s no contest plea, the court sustained the allegations of robbery and felony grand theft, calculated K.B.'s maximum term of confinement as five years, eight months, and placed him on probation with conditions that included a prohibition on his presence on a school campus unless he is enrolled as a student. K.B. was also ordered to pay a restitution fine of \$200, and to have no contact with the victims or his codefendants. K.B. timely appealed.

According to the probation report, a police officer was investigating a previous armed robbery when he saw K.B. with two other minors and 18-year-old Daryl Russell surround Juan Cruz and Jesus Vargas in a Taco Bell parking lot. Cruz told the officer that he and Vargas were just robbed by Russell and his companions. When Russell saw the officer, he started to walk away and discarded a cell phone he was carrying.² After the officer drew his gun and ordered all four suspects to the ground, Russell complied but K.B. and the other two juveniles fled.

Cruz told the officer that K.B. and another of the minors were both armed and demanded money from him. Vargas said that after he declined to buy a cell phone Russell was trying to sell, another minor demanded money and removed Vargas's wallet from his pocket.³ The other minor kicked Vargas's ankle and Russell punched him. K.B. and his companions were found shortly after the incident, but were unarmed. Vargas and Cruz identified K.B. during an in-field lineup as one of the armed robbers, and all four suspects were arrested. A few hours later, police found a handgun at the Taco Bell.

K.B. was represented by counsel at all stages of the proceedings. He was advised of his rights and of the consequences of his no contest plea to the allegations of the

² Police later learned the cell phone discarded by Russell was taken during the previous armed robbery they were investigating when they came upon K.B. and his companions in the Taco Bell parking lot.

³ Vargas's wallet contained two \$100 bills. K.B. had \$104 in cash at the time of his arrest.

amended petition. The juvenile court's jurisdictional finding was supported by substantial evidence, and there was no error in the dispositional order. Any potential illegality of the condition of probation prohibiting his presence on a school campus where he is not an enrolled student was waived by counsel's failure to object to its imposition. (See *People v. Welch* (1993) 5 Cal.4th 228, 234-237; *In re Justin S.* (2001) 93 Cal.App.4th 811, 813-814.) Appellate counsel advised K.B. of his right to file a supplemental brief in this court within 30 days of counsel's opening brief, but no supplemental brief has been filed. Full review of the record reveals no issue that requires further briefing.

DISPOSITION

The judgment is affirmed.

Siggins, J.

We concur:

McGuinness, P.J.

Pollak, J.